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HOUSE BILL 1216

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Janice E. Arnold-Jones

AN ACT

RELATING TO EMERGENCY RESPONSE; ENACTING THE INTEROPERABILITY  
EMERGENCY RESPONSE ACT; ESTABLISHING THE INTEROPERABILITY  
PLANNING COMMISSION; ASSIGNING DUTIES TO THE DEPARTMENT OF  
PUBLIC SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 12 NMSA 1978 is  
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the  
"Interoperability Emergency Response Act"."

Section 2. A new section of Chapter 12 NMSA 1978 is  
enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the  
Interoperability Emergency Response Act:

A. "critical infrastructure" means a facility that

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1 needs to be safeguarded in an emergency in the interest of  
2 public health and safety, including:

3 (1) a chemical manufacturing facility;

4 (2) a refinery;

5 (3) an electrical power generating facility, a  
6 substation, a switching station, an electrical control center  
7 or an electrical transmission or distribution facility;

8 (4) a water intake structure, a water  
9 treatment facility, a wastewater treatment plant or a pump  
10 station;

11 (5) a natural gas transmission compressor  
12 station, a liquid natural gas terminal or storage facility or a  
13 gas processing plant, including a plant used in the processing,  
14 treatment or fractionation of natural gas;

15 (6) a telecommunications central switching  
16 office;

17 (7) a national laboratory;

18 (8) a railroad switching yard or a trucking  
19 terminal or other freight transportation facility; or

20 (9) a transmission facility used by a  
21 federally licensed radio or television station;

22 B. "department" means the department of public  
23 safety;

24 C. "first responder" means a public safety employee  
25 or volunteer whose duties include responding rapidly to an

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1 emergency, including:

2 (1) a law enforcement officer;

3 (2) a firefighter or certified volunteer  
4 firefighter; or

5 (3) an emergency medical services provider;

6 D. "infrastructure equipment" means the underlying  
7 fixed equipment required to establish interoperable  
8 communications between radio systems used by local, state,  
9 tribal and federal agencies and first responders; and

10 E. "interoperability" means coordination of  
11 critical information communication systems or networks,  
12 including radio and computer equipment, that are consistently  
13 operable with all relevant local, state, tribal and federal  
14 agencies and first responders."

15 Section 3. A new section of Chapter 12 NMSA 1978 is  
16 enacted to read:

17 "[NEW MATERIAL] INTEROPERABILITY PLANNING COMMISSION--  
18 CREATED.--

19 A. The "interoperability planning commission" is  
20 created and administratively attached to the emergency planning  
21 and coordination bureau of the department.

22 B. The interoperability planning commission is a  
23 permanent advisory committee created to advise and support the  
24 department on emergency response and homeland security  
25 activities relating to first responders, interoperable radio

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1 communications, the integration of statewide exercises for  
2 hazards, the obtaining of funding and the use of available  
3 funding.

4 C. The commission consists of at least sixteen  
5 members, including:

- 6 (1) the lieutenant governor;
- 7 (2) the homeland security adviser;
- 8 (3) the secretary of environment or the  
9 secretary's designee;
- 10 (4) the adjutant general or a representative  
11 from the department of military affairs;
- 12 (5) the secretary of energy, minerals and  
13 natural resources or the secretary's designee;
- 14 (6) the superintendent of insurance or the  
15 superintendent's designee;
- 16 (7) the secretary of Indian affairs or the  
17 secretary's designee;
- 18 (8) one representative from each of the  
19 following entities of the state, appointed by the governor:
  - 20 (a) law enforcement;
  - 21 (b) firefighters; and
  - 22 (c) emergency medical services; and
- 23 (9) one representative from each of the  
24 following private sector entities, appointed by the governor:
  - 25 (a) information technology;

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- 1 (b) telecommunications;
- 2 (c) public health;
- 3 (d) transportation;
- 4 (e) the defense industry; and
- 5 (f) the hazardous materials industry.

6 D. Appointed members of the commission shall serve  
7 for terms of three years; provided that when making the initial  
8 appointments, the governor shall appoint three members to a  
9 term of one year, three members to a term of two years and  
10 three members to a term of three years.

11 E. The governor shall appoint the chair and vice  
12 chair from among the members of the commission. The commission  
13 shall meet at the call of the chair but no less than two times  
14 each year.

15 F. Members of the commission shall be reimbursed  
16 for per diem and mileage pursuant to the Per Diem and Mileage  
17 Act and shall not receive any other compensation, perquisite or  
18 allowance."

19 Section 4. A new section of Chapter 12 NMSA 1978 is  
20 enacted to read:

21 "[NEW MATERIAL] INTEROPERABILITY PLANNING COMMISSION--  
22 DUTIES.--The interoperability planning commission shall advise  
23 the department on:

24 A. the development and coordination of a statewide  
25 interoperable emergency communications response plan in

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1 compliance with national incident command system guidelines,  
2 including an integrated public safety radio communications  
3 system and other coordinated critical information systems, to  
4 achieve interoperability within and between local, state,  
5 tribal and federal agencies and first responders;

6 B. implementation of the interoperability emergency  
7 response plan by state and local agencies and shall provide  
8 specific suggestions for methods by which agencies shall  
9 implement those strategies;

10 C. priorities relating to the interoperability  
11 emergency response plan;

12 D. determining critical infrastructure in the  
13 state; and

14 E. other matters relating to planning, development,  
15 coordination, promotion and implementation of the  
16 interoperability emergency response plan."

17 Section 5. A new section of Chapter 12 NMSA 1978 is  
18 enacted to read:

19 "[NEW MATERIAL] INTEROPERABILITY--DEPARTMENT.--The  
20 department shall:

21 A. implement and administer a statewide  
22 interoperability emergency response plan;

23 B. develop a budget and a plan to purchase  
24 infrastructure equipment for state and local agencies and first  
25 responders;

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1 C. provide a single point of entry to disseminate  
2 information, applications, processes and communications;

3 D. train representatives of entities in the state  
4 that are involved in emergency response and homeland security  
5 activities with respect to interoperability;

6 E. require that all communications at emergency  
7 incidents adhere to the national incident command system  
8 guidelines established by the federal department of homeland  
9 security; and

10 F. use appropriated money, including money from  
11 relevant federal homeland security grants, for the purposes of  
12 designing, implementing and maintaining a statewide integrated  
13 public safety radio communications system."

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